IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

CRP.No. 259 of 2007()

AGAINST THE ORDER DATED 19/02/2007 IN IA 212/07 IN AS.270/1997 of ADDL.DISTRICT COURT, THRISSUR

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PETITIONERS: PETITIONERS 1 & 2 /APPELLANTS 1 & 2:

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1. SUKUMARAN, S/O.KUDILINGAL KRISHNAN, PERINJANAM VILLAGE, KODUNGALLUR TALUK.

2. SASEENDRAN, S/O.KUDILINGAL KRISHNAN, PERINJANAM VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS: RESPONDENT & PETITIONERS 3 TO 6/RESPONDENT & APPELLANTS 3 TO 6:

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1. SUDHAKARAN K.K., 509/455, MURUGAN NAGAR, KANDY ROAD, KELANIYA, SRILANKA., NOW RESIDING AT C/O MEENAKSHY, W/O.O.K.VELAYUDHAN, OTTALY HOUSE, VALAPPAD (P.O.), NEAR HIGH SCHOOL, CHAVAKKAD TALUK.

2. NALINI, W/O GOPINATHAN, VELUTHAMMA HOUSE, (PRESENT ADDRESS) CHEMBUMUKKU WEST (P.O.), VAZHAKKALA, KAKKANAD, KOCHI-30.

3. LALITHA, W/O.MOHAN, CHEMINCHERY HOUSE, CHEMMANNUR, KANIPPAYUR (P.O.), THRISSUR.

4. VISHALAKSHY, D/O KUDILINGAL KRISHNAN, PERINJANAM VILLAGE, KODUNGALLUR.

5. USHARANI, W/O RAJU, KARATTUPARAMBIL HOUSE, KIZHAKKUMURY (P.O.), PERINGOTTUKARA, THRISSUR.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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C.R.P.NO.259 OF 2007

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Dated this the 13th day of March 2007

ORDER

The grievance of the revision petitioners is against the order of the Additional District Judge, Thrissur on I.A.212/07 in A.S.270/97. A.S.270/97 was filed before the District Court, Thrissur against the decree in O.S.265/93 and A.S.851/95 was filed before this court against the decree in O.S.271/93 against the common judgment in O.S.265/93 and O.S.271/93 passed by the Sub Court, Irinjalakkuda as filing appeals before two different courts was warranted in view of the valuation and the consequent pecuniary jurisdiction of the courts. This court vide order on CMP 5450/99 in A.S.851/97 ordered transfer of A.S.270/97 from the District Court, Thrissur to this court for being heard along with A.S.851/97. But in the meanwhile A.S.270/99 was dismissed for default. Counsel for the petitioner submits that the parties were under an impression that in view of the order passed by this court A.S.270/97 will be transmitted to this court by the District Court, Thrissur and that therefore both the appellants and the respondents were absent and it was therefore that the appeal happened to be dismissed for default. Counsel for petitioners submits that

I.A.212/07 was filed in A.S.270/97 for restoration of the appeal along with I.A.214/07 to condone the delay in filing I.A.212/07 but that the District Court has dismissed both the above I.As. and at the same time, passed a subsequent order on I.A.214/07 directing this court being addressed for appropriate directions. It is not discernable from the records produced as to whether the District Court addressed this court on the administrative side and obtained any direction.

2. However, when the facts are clear I order the District Judge to restore A.S.270/97 back to the file and transmit the records to this court for being heard along with the A.S.851/97on the file of this court. This C.R.P. is disposed of with the above direction. Counsel for the petitioner is at liberty to produce a copy of this order before the Additional District Judge, Thrissur to enable him to abide by the above directions. Issue copy of this order to the counsel for the petitioner on application as per rules as expeditiously as possible.

This C.R.P. is disposed of as above.

K.P.BALACHANDRAN, JUDGE

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